

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

THE AUTHORS GUILD, INC., et al.,

*Plaintiffs,*

v.

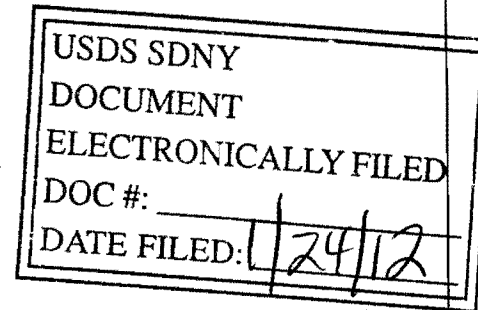
HATHITRUST, et al.,

*Defendants.*

Case No. 11-cv-6351(HB)

**NOTICE OF MOTION  
TO INTERVENE**

**ORAL ARGUMENT  
REQUESTED**



**PLEASE TAKE NOTICE** that upon the annexed Declarations of Daniel F. Goldstein, sworn to December 6, 2011; Dr. Marc Mauer, sworn to December 6, 2011, Georgina Kleege, sworn to December 5, 2011, Blair Seidlitz, sworn to December 6, 2011, and Courtney Wheeler, sworn to December 6, 2011; the accompanying Memorandum of Law in Support of the Motion of the National Federation of the Blind, Georgina Kleege, Blair Seidlitz and Courtney Wheeler (collectively, "Proposed Intervenors) to Intervene as Defendants in this action; and all prior pleadings herein, Proposed Intervenors will move this Court, before the Honorable Harold Baer, United States District Court Judge, in Courtroom 23B, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10017-1312, on the date and time to be set by the Court, for an order pursuant to Rule 24 of the Federal Rules of Civil Procedure permitting Proposed Intervenors to intervene as defendants in this action.

**PLEASE TAKE FURTHER NOTICE** that answering papers, if any, shall be served upon the undersigned no later than December 23, 2011.

Dated: New York, New York  
December 9, 2011

Respectfully submitted,

**THE LAW OFFICE OF  
ROBERT J. BERNSTEIN**

By: /s/  
Robert J. Bernstein (RB 4230)  
380 Lexington Avenue, 17<sup>th</sup> Floor  
New York, NY 10168  
Telephone: (212) 551-1068  
Facsimile: (212) 551-1001  
*Counsel for Proposed Intervenors  
The National Federation of the Blind,  
Georgina Kleege, Blair Seidlitz and  
Courtney Wheeler*

**OF COUNSEL:**

Daniel F. Goldstein  
Laura Ginsberg Abelson  
BROWN, GOLDSTEIN & LEVY, LLP  
120 E. Baltimore Street  
Suite 1700  
Baltimore, Maryland 21202  
Telephone: 410-962-1030  
Facsimile: 410-385-0869  
dfg@browngold.com  
labelson@browngold.com

*and*

PETER JASZI  
5402 Surrey Street  
Chevy Chase, Maryland 20815  
Telephone: 301-656-1753  
Facsimile: 301-656-7483  
pjaszi@wcl.american.edu

**TO:**

Edward H. Rosenthal  
Jeremy S. Goldman  
FRANKFURT KURNIT KLEIN & SELZ, P.C.  
488 Madison Avenue  
New York, NY 10022  
*Attorneys for Plaintiffs*

*Motion granted on consent.  
The clerk is directed to  
close the motion to  
intervene.*

SO ORDERED:



Harold Baer, Jr., U.S.D.J.

Date: 1/24/2012

*and*

Joseph Peterson  
KILPATRICK TOWNSEND & STOCKTON LLP  
31 W. 52<sup>nd</sup> Street, 14<sup>th</sup> Floor  
New York, NY 10019

Joseph M. Beck  
W. Andrew Pequignot  
Allison Scott Roach  
KILPATRICK TOWNSEND & STOCKTON LLP  
Suite 1800  
1100 Peachtree Street  
Atlanta, GA 30309-4528  
*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY, under penalty of perjury, that the foregoing Notice of Motion to Intervene of National Federation of the Blind, Georgina Kleege, Blair Seidlitz and Courtney Wheeler; the accompanying Declarations of Daniel F. Goldstein, Dr. Marc Mauer, Georgina Kleege, Blair Seidlitz and Courtney Wheeler in support thereof; and the accompanying Memorandum in Support of the Motion of the National Federation of the Blind and Others to Intervene as Defendants, are being filed electronically today, and that, upon such filing, pursuant to this Court's Local Rules and ECF procedures, these documents shall be served electronically on the above-referenced attorneys for plaintiffs and for defendants at their respective email addresses registered with the Court's ECF system.

/s/  
Robert J. Bernstein

Endorsement:

Motion granted on consent. The clerk is directed to close the motion to intervene.